



Animal Welfare Institute

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TESTIMONY BEFORE THE MICHIGAN HOUSE COMMITTEE ON CRIMINAL JUSTICE ON HB 5670

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ANIMAL WELFARE INSTITUTE

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The Animal Welfare Institute thanks Rep. Robert Kosowski for introducing House Bill 5670, which provides for a misdemeanor charge when cruelty against a companion animal is committed in front of a child, in addition to any other charge(s) that might arise from the animal mistreatment. We are grateful to the Michigan House Committee on Criminal Justice for the opportunity to submit testimony in support of this legislation.

With research and experience pointing to serious and long-lasting repercussions for children from trauma, and with greater recognition that witnessing animal abuse fits the definition of a traumatic experience, we believe that Michigan would be taking the right step to provide for additional penalties for acts of animal cruelty when a child witnesses or is forced to participate in such cruelty.

We understand intuitively that traumatic experiences are not good for children—and make no mistake about it, exposure to animal abuse is a significant traumatic experience—and we are learning more about the severe and long-lasting the damage they can exact. Trauma can cause stress, “severe emotional and developmental difficulties” (according to the Child Welfare Information Gateway), the growth of antisocial behaviors, poor social and cognitive competence, health problems, and can contribute to later involvement with the juvenile justice system.

As noted by the Children’s Mental Health Network (<http://www.cmhnetwork.org/>), “[t]raumatic childhood events like abuse and neglect can create dangerous levels of stress and derail healthy brain development—resulting in long-term effects on learning, behavior and health.” Likewise, according to *Ten Things Every Juvenile Court Judge Should Know about Trauma and Delinquency*, a joint publication of the National Council of Juvenile and Family Court Judges (www.ncjfcj.org) and the National Child Traumatic Stress Network (<http://www.nctsn.org/>), “The majority of youth who develop a pattern of delinquent behaviors and experience subsequent juvenile court involvement have faced both serious adversities and traumatic experiences. Research continues to show that most youth who are detained in juvenile detention centers have been exposed to both community and family violence and many have been threatened with, or been the direct target of, such violence. Studies also demonstrate that youth who have multiple exposures to violence or victimization are at higher risk for mental health problems, behavioral problems, substance abuse, and delinquent behaviors.” The report then defines trauma as including “a direct encounter with a dangerous or threatening event, or it can involve witnessing the endangerment or suffering of another living being.” (Emphasis added.) The definition pointedly does not say “person,” so clearly it is meant to encompass both people and animals.

Being forced to witness or engage in animal cruelty is a significant traumatic experience for children. It is especially noteworthy that the U.S. Department of Justice et al included witnessing animal cruelty on the Polyvictimization /Trauma Symptom Checklist, which was developed to “allow lawyers and other advocates to focus on important information about (child) clients’ past victimization history and help advocates better identify and advocate for appropriate placements, disposition plans, trial strategies, services, and treatment.”ⁱ

According to Faver and Strand (2003), up to 76 percent of animal abuse occurs in front of children.ⁱⁱ Children are most likely to be exposed to animal abuse when they live in chaotic households where other members of the family are being subjected to physical and/or emotional violence. Abusers force children to witness—or even participate in—cruelty towards their companion animals in order to exert control over, instill fear in (“See. This is what I can do to *you*.”), and intimidate them. In fact, “animal abuse has been connected to increased severity of domestic violence and more controlling behaviors by the abuser.”ⁱⁱⁱ

In addition to all of the adverse effects described above, witnessing animal abuse can lead to the child becoming an animal abuser him/herself, with that serving as a gateway to other forms of interpersonal violence. A great deal of research bears this out. “Witnessing parent and pet abuse may compromise children’s psychological adjustment, increase their propensity for interpersonal violence (through observational learning and/or identification with the aggressor), and make children’s cruelty to animals more likely to emerge as a symptom of their distress.”^{iv} Baltimore City (MD) Assistant State’s Attorney Jennifer Rallo points out, ““Studies show that youth who engaged in acts of animal cruelty between the ages of six and twelve are twice as likely to be charged in a violent juvenile delinquency offense against a human.””^v Another study found that **“witnessing animal cruelty was the largest predictor of future violence by the witness, who was more than eight times more likely to subsequently become a perpetrator of violence.”**^{vi} (Emphasis added.)

It follows, therefore, that the law should provide for an additional charge against those who force children to be parties to their cruelty towards animals—for, in reality, two crimes have been committed: animal abuse *and* child abuse. Arkansas,^{vii} Oregon,^{viii} and Illinois,^{ix} as well as Puerto Rico,^x have taken this step. Such laws recognize the harm children suffer when exposed to animal abuse and the need to take extra steps to respond. Given the damage that can be inflicted on children’s physical and emotional well-being from seeing violence committed against a companion animal, who probably serves as a friend, confidant, and source of emotional support for the child, those who perpetrate such violence in front of them should be subject to additional penalties.

ⁱ The Checklist is part of a tool (The Polyvictimization and Trauma Identification Checklist and Resource) developed by The SafeStart Center (a project of the U.S. Department of Justice’s Office of Juvenile Justice and Delinquency Programs), the American Bar Association’s Center on Children and the Law, and Child & Family Policy Associates.
http://www.safestartcenter.org/pdf/Resource-Guide_Polyvictim.pdf.

ii Faver, C.A. & Strand, E.B. (2003). Domestic Violence and Animal Cruelty: Untangling the Web of Abuse. *J. Social Work Ed.* 39(2). 237-253

iii Georgia Domestic Violence Fatality Review 2012 Annual Report, p. 11.

iv Asclone, Frank; Claudia Weber, and David Wood, The Abuse of Animals and Domestic Violence: A National Survey of Shelters for Women Who Are Battered, originally published in *Society and Animals*, 1997, 5(3)

v As quoted in Understanding the Link Between Violence to animals and People A Guidebook for Criminal Justice Professionals, NDAA and ASPCA, Allie Phillips, JD

vi DeGue, S., & DiLillo, D. (2009). Is animal cruelty a "red flag" for family violence? Investigating co-occurring violence toward children, partners and pets, *Journal of Interpersonal Violence*, 24(6), 1036-1056

vii Arkansas

2009 Ark. Act 33 § 5-4-702(b) "An Act Concerning Aggravated Cruelty to Dogs, Cats, and Horses and Related Offenses; Concerning Animal Management Practices; and for Other Purposes"

§ 5-4-702 - Enhanced penalties for offenses committed in presence of a child.

5-4-702. Enhanced penalties for offenses committed in presence of a child.

(a) Any person who commits a felony offense involving homicide, 5-10-101 – 5-10-103, assault or battery, 5-13-201 et seq., or domestic battering or assault on a family member or household member, 5-26-303 – 5-26-309, may be subject to an enhanced sentence of an additional term of imprisonment of not less than one (1) year and not greater than ten (10) years if the offense is committed in the presence of a child.

(b) Any person who commits the offense of aggravated cruelty to a dog, cat, or horse under §5-62-104 may be subject to an enhanced sentence of an additional term of imprisonment not to exceed five (5) years if the offense is committed in the presence of a child.

viii Oregon

ORS §167.320

Animal abuse in the first degree

(1) A person commits the crime of animal abuse in the first degree if, except as otherwise authorized by law, the person intentionally, knowingly or recklessly:

- (a) Causes serious physical injury to an animal; or
- (b) Cruelly causes the death of an animal.

(2) Any practice of good animal husbandry is not a violation of this section.

(3) Animal abuse in the first degree is a Class A misdemeanor.

(4) Notwithstanding subsection (3) of this section, animal abuse in the first degree is a Class C felony if:

(a) The person committing the animal abuse has previously been convicted of two or more of the following offenses:

(A) Any offense under ORS 163.160 (Assault in the fourth degree), 163.165 (Assault in the third degree), 163.175 (Assault in the second degree), 163.185 (Assault in the first degree) or 163.187 (Strangulation) or the equivalent laws of another jurisdiction, if the offense involved domestic violence as defined in ORS 135.230 (Definitions for ORS 135.230 to 135.290) or the offense was committed against a minor child; or

(B) Any offense under this section or ORS 167.322 (Aggravated animal abuse in the first degree), or the equivalent laws of another jurisdiction; or

(b) The person knowingly commits the animal abuse in the immediate presence of a minor child. For purposes of this paragraph, a minor child is in the immediate presence of animal abuse if the abuse is seen or directly perceived in any other manner by the minor child. [1985 c.662 §3; 2001 c.926 §8; 2003 c.577 §8

<http://www.oregonlaws.org/ors/167.320>

ix <http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=099-0357>

* **Puerto Rico**

Act 154 (P.S. 2552) within chapter 2 §5(c)(i)(c)

Section 5.—Animal Abuse.—

a. A person is guilty of the crime of animal abuse if the person willfully, knowingly, carelessly or with criminal negligence inflicts any bodily injury or suffering on the animal.

b. Animal abuse is considered to be a fourth-degree felony that entails the imposition of punishment by imprisonment ranging from six (6) months and one (1) day to three (3) years.

i. If upon conviction, the accused qualifies and avails him/herself of serving time on probation or any alternative method other than jail imprisonment, the punishment shall entail a mandatory fine ranging from one thousand (1,000) to three thousand (3,000) dollars.

c. Notwithstanding the provisions of subsection (b) of this Section, animal abuse constitutes a third-degree felony that entails the imposition of punishment by imprisonment ranging from three (3) years and one (1) day to eight (8) years if:

i. The person who is committing the crime of animal abuse has been previously convicted of one or more offenses relative to:

a) Any law concerning animal protection in Puerto Rico or equivalent laws or regulations from any other jurisdiction;

or

b) Any statute of Puerto Rico concerning domestic violence, child abuse or elderly abuse, or equivalent laws from another jurisdiction; or

c) The person knowingly abuses an animal in the immediate presence of a minor. For the purposes of this subclause, a minor is in the immediate presence of an instance of animal abuse if such an instance is seen or directly perceived in any manner by the minor.

http://www.aldf.org/downloads/PRAct154_2008_Eng.pdf